

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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| SoClean, Inc. |) | Case No.: 23-cv-02701 |
| |) | |
| Plaintiff, |) | |
| v. |) | Judge: Hon. Martha M. Pacold |
| |) | |
| 3-C Digital technique Store, et al., |) | Magistrate: Hon. M. David Weisman |
| |) | |
| Defendants. |) | |

RESPONSE TO ORDER TO SHOW CAUSE

Plaintiff, SoClean, Inc., submits this response to the Court’s order dated December 4, 2023 to show cause why joinder is proper pursuant to 35 U.S.C. § 299.

35 U.S.C. § 299 permits the joinder of accused patent infringers only if “(1) any right to relief is asserted against the parties jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, or selling of the same accused product or process; and (2) questions of fact common to all defendants or counterclaim defendants will arise in the action.”

Plaintiff filed a first amended complaint [Dkt. No. 22] asserting its right for relief against the parties with respect to infringement that is arising out of the same transaction, occurrence, or series of transactions or occurrences. See First Amended Complaint ¶¶ 9-12. Furthermore, there are questions of fact common to all defendants because it appears that the Defendants in this case have all obtained infringing items from a common manufacturer. *Id.* These allegations are not simply conclusory but are based off of initial research and investigation performed by Plaintiff.

The evidence before the Court is that there is common manufacturer that is supplying all infringing products to the Defendants in this case. Exhibit 3 and Exhibit 4 to the Complaint [Dkt. No. 2-8, 2-9] illustrates a website available in China from the suspected manufacturer offering infringing products for sale. Exhibit 3 and Exhibit 4 to the Complaint illustrate that the manufacturer was willing and able to fulfill order for more than 5,000 units wholesale orders. Exhibit 3 and Exhibit 4 to the Complaint also illustrate that the suspected manufacturer was willing to offer dropshipping services to the Defendants in this case. Additionally, the products reviewed by Plaintiff all showed common features indicating a common source of manufacturing. See Declaration of William Gregory at ¶¶ 7, 11. [Dkt. No. 9-2]. For these reasons there are questions of fact common to all Defendants.

For these reasons, Plaintiff's claim against all Defendants is proper for joinder. Plaintiff, therefore, respectfully requests that the Court find that joinder is proper pursuant to 35 U.S.C. § 299.

Dated this 19th of December, 2023

Respectfully submitted,

By: /s/ Kevin Keener
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